

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------|-------------------------------|----------------------------------------------|
| 1. File Number: 32136 | 2. Status Change Date: | 3. Change Num: CI | 4. Field Office: 04 | 5. GMD: 03 |
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | | 7. Filing Date of Change: 10/10/18 |
| 8a. Applicant(s) New to system <input type="checkbox"/> STAPLETON FARMS INC RYAN STAPLETON - AGENT PO BOX 655 MEADE KS 67864-0655 | | Person ID 53102 Add Seq# 1 | | |
| 8b. Landowner(s) New to system <input type="checkbox"/> | | Person ID _____ Add Seq# _____ | | |
| 8c. Landowner(s) New to system <input type="checkbox"/> STAPLETON FARMS INC RYAN STAPLETON - AGENT PO BOX 655 MEADE KS 67864-0655 | | Person ID 53102 Add Seq# 1 | | |
| 8d. WUC New to system <input type="checkbox"/> | | Person ID _____ Add Seq# _____ | | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/18 | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter | | | | |
| <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | | |
| 10. Use Made of Water From: _____ To: _____ | | | | |
| Date Prepared: 10/12/18 By: MAM Date Entered: _____ By: _____ | | | | |

File No. **32136** 11. County: **SW** Basin: **CROOKED CREEK** Stream: Formation Code: **211/331** Special Use:

| 12. Points of Diversion | | | | | | | | | | | Rate and Quantity | | | | | |
|-------------------------|------|-----|------|-----------|---|----|----|----|-------|-------|--------------------|------------|-------------|------------|-------------|------------------|
| CHK | MOD | DEL | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Authorized | | Additional | | Overlap PD Files |
| ENT | | | | | | | | | | | | Rate gpm | Quantity af | Rate gpm | Quantity af | |
| ENT | | | | SWSWNE | 1 | 31 | 31 | W | 2714' | 2531' | | 980 | 260 | 980 | 260 | NONE |
| DEL | 7889 | | | SWSWNE | 1 | 31 | 31 | W | 2850' | 2520' | | 980 | 260 | 980 | 260 | NONE |
| | | | | | | | | | | | | | | | | |
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13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

| 16. Place of Use | | | | | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files | | | | | | |
|------------------|-----|-----|-----|------|---|---|---|----|--|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|--|--|--|--|--|--|
| CHK | MOD | DEL | ENT | PUSE | S | T | R | ID | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | | | | | | | |
| NC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
GARDEN CITY FIELD OFFICE
2508 JOHNS STREET
GARDEN CITY, KS 67846-2804



PHONE: (620) 276-2901
FAX: (620) 276-9315
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 17, 2018

STAPLETON FARMS INC
RYAN STAPLETON - AGENT
PO BOX 655
MEADE KS 67864-0655

RE: Approval of Application to Change the Point of Diversion
Water Right, File No. 32136

Dear Sir and Madam:

Enclosed is an order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since this order modifies the original documents referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate. Please also submit a copy of the current ownership deed to have our records changed.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,


Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:
Groundwater Management District No. 3

CERTIFICATE OF SERVICE

On this 17th day of October, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 32,136, dated 17th day of October, 2018 was mailed postage prepaid, first class, US mail to the following:

STAPLETON FARMS INC
RYAN STAPLETON - AGENT
PO BOX 655
MEADE KS 67864-0655

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 2:25 pm
OCT 10 2018

File No. 32136

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):
 Place of Use Point of Diversion
 under the water right which is the subject of this application in accordance with the conditions described below.
 The source of supply is: Groundwater Surface water

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: STAPLETON FARMS INC, RYAN STAPLETON - AGENT
PO BOX 655, MEADE KS 67864-0655
 Phone Number: (620)873-2686 Email address: _____
 Name and address of Water Use Correspondent: Same
 Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: Same
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: _____
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

For Office Use Only: Code _____ **Fee \$** 200.00 **TR #** _____ **Receipt Date** 10-10-18 **Check #** 11662

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 1, Township 31 South, Range 31 (W), in SW County, Kansas, 2850 feet North 2520 feet West of Southeast corner of section. Authorized Rate 980 GPM Authorized Quantity 260 AF Depth of well (feet) (DWR use only: Computer ID No. 1 GPS (3111) feet North (2484) feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 1, Township 31 South, Range 31 (W), in SW County, Kansas, 2714 feet North 2531 feet West of Southeast corner of section. Proposed Rate 980 GPM Proposed Quantity 260 AF, Proposed well depth (feet) 540 274.
 This point is: Additional Well Geo Center List other water rights that will use this point "* 427 feet south"

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet) (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

7. The changes herein are desired for the following reasons? (please be specific) _____

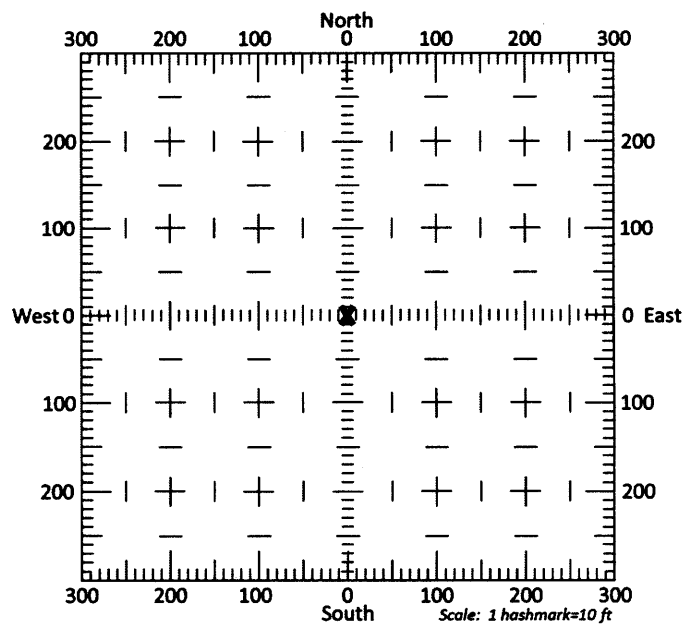
8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by? _____

10. If the point of diversion is a well:
 (a) What are you going to do with the old well? _____
 (b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by mf/GCFO _____



13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



PO Box 639
Garden City, KS 67846
Fax: 620-277-0224

RYAN STAPLETON CELL 620-629-1828

Customer Name: Stapleton Farms, Inc. WO#: 14503 Date: 10-3-18
 Street Address: P.O. Box 655 Test #: 2 E LOG: _____
 City, State: MEANS KS 67864 Driller: Dale Guinn
 County: Seward Quarter: NE Section: 1 Township: 31 Range: 31
 Location: 427' South of Existing Well GPS: N37.38059 W100.64262
 Rig #: 10002 Elevation: 2796' Static WL: 295' Appx. Estimated? _____
 Proposed Well Depth 540
2714N 2531W WELL LOCATION 20' Sump

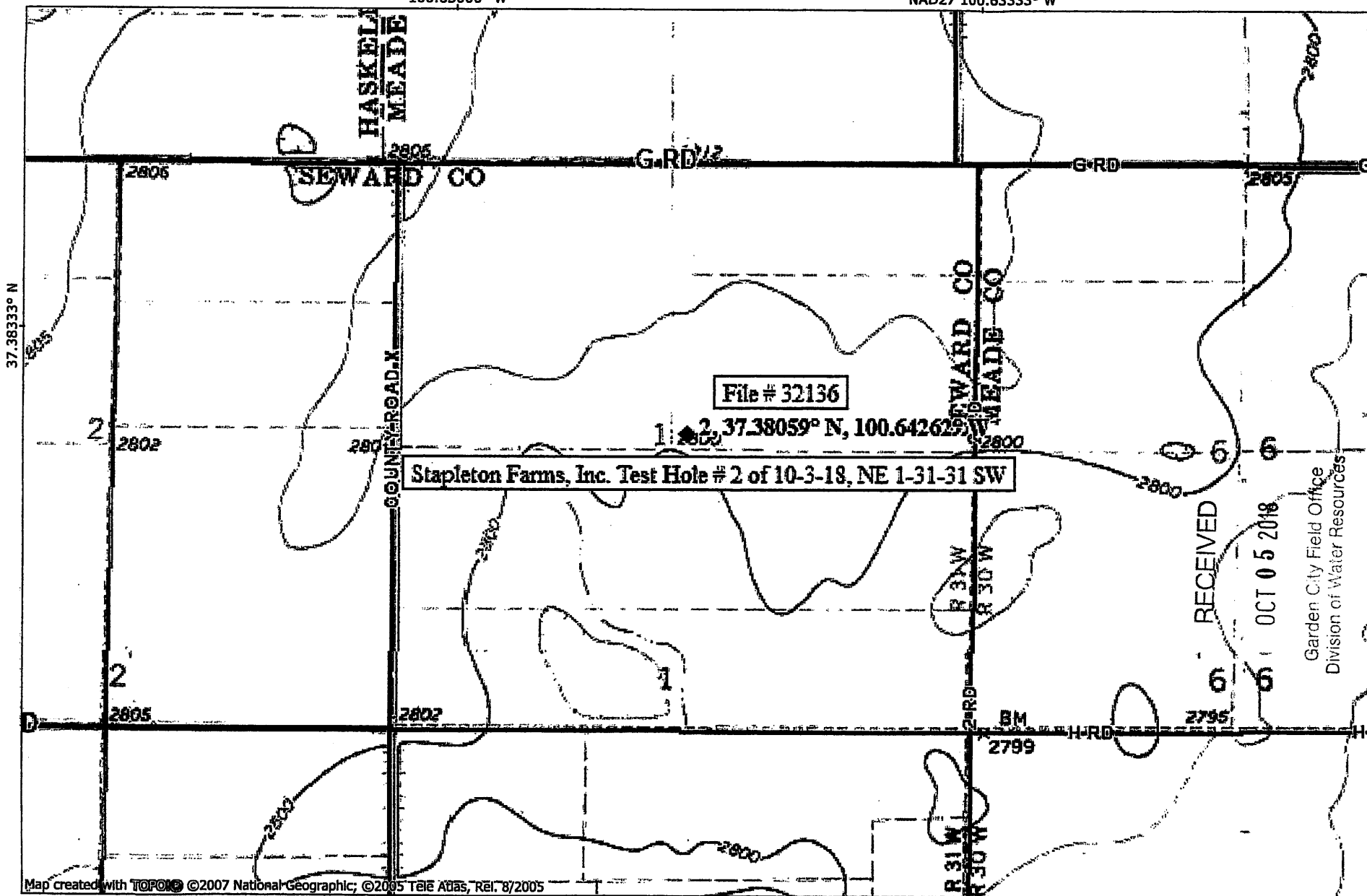
| % | Footage | | | Description of Strata |
|----|---------|-----|-----|------------------------------------------------------------|
| | From | Pay | To | |
| | 0 | | 2 | Top Soil |
| | 2 | | 10 | Brown Sandy Clay |
| | 10 | | 15 | Caliche w/ few lime rock |
| | 15 | | 20 | Brown Sandy Clay |
| | 20 | | 40 | Fine sand w/ clay mixed |
| | 40 | | 58 | Fine Sand w/ few lime rock strips + clay strips |
| | 58 | | 69 | Fine Sand w/ lime rock + Caliche mixed |
| | 69 | | 94 | Brown Clay |
| | 94 | | 100 | Red Sandy Clay |
| | 100 | | 109 | Fine Sand w/ few lime rock strips |
| | 109 | | 119 | Sand fine to med course some small gravel |
| | 119 | | 125 | Brown Sandy Clay |
| | 125 | | 169 | Sand fine to med course small gravel |
| | 169 | | 184 | Brown Clay |
| | 184 | | 200 | Sand fine to med course |
| | 200 | | 210 | Brown Clay w/ couple sand strips |
| | 210 | | 220 | Sand fine to med course |
| | 220 | | 234 | Brown Clay |
| | 234 | | 294 | Sand fine to med course |
| 30 | 294 | 19 | 314 | Sand fine to med course small gravel - loose - |
| | 314 | | 319 | Light Blue Clay |
| 30 | 319 | 29 | 348 | Sand fine to med course few small gravel - Drilled loose - |
| 5 | 348 | 10 | 358 | Fine sand w/ some clay stringers |
| 15 | 358 | 42 | 400 | Sand fine to med few course w/ some clay stringers |
| 25 | 400 | 8 | 408 | Sand fine to med course |
| 20 | 408 | 8 | 416 | Sand fine to med course w/ some clay stringers |
| 15 | 416 | 21 | 437 | Sand fine to med some course w/ many clay stringers |
| | 437 | | 440 | Brown Clay |
| 5 | 440 | 20 | 460 | Fine Sand + lime Rock w/ few thin clay stringers |
| 15 | 460 | 26 | 486 | Fine Sand w/ few lime rock |
| 5 | 486 | 34 | 520 | Sandstone w/ few soapstone strips |
| | 520 | | 540 | Red Bed |
| | | | | Super Gel X -2 |
| | | | | Grout -5 |
| | | | | Banti 1 1/4 3/4 -6 |
| | | | | Perma Plug -1 |
| | | | | 4 3/4 Drag 13/16 -1 |
| | | | | RECEIVED |
| | | | | OCT 05 2018 |

Garden City Field Office
Division of Water Resources

TOPO! map printed on 10/04/18 from "Untitled.tpo"

100.65000° W

NAD27 100.63333° W



File # 32136

2, 37.38059° N, 100.642625° W

Stapleton Farms, Inc. Test Hole # 2 of 10-3-18, NE 1-31-31 SW

RECEIVED
OCT 05 2018

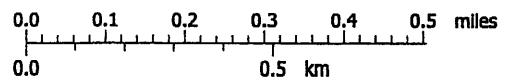
Garden City Field Office
Division of Water Resources

Map created with TOPO! © 2007 National Geographic; © 2005 Tele Atlas, Rel. 8/2005

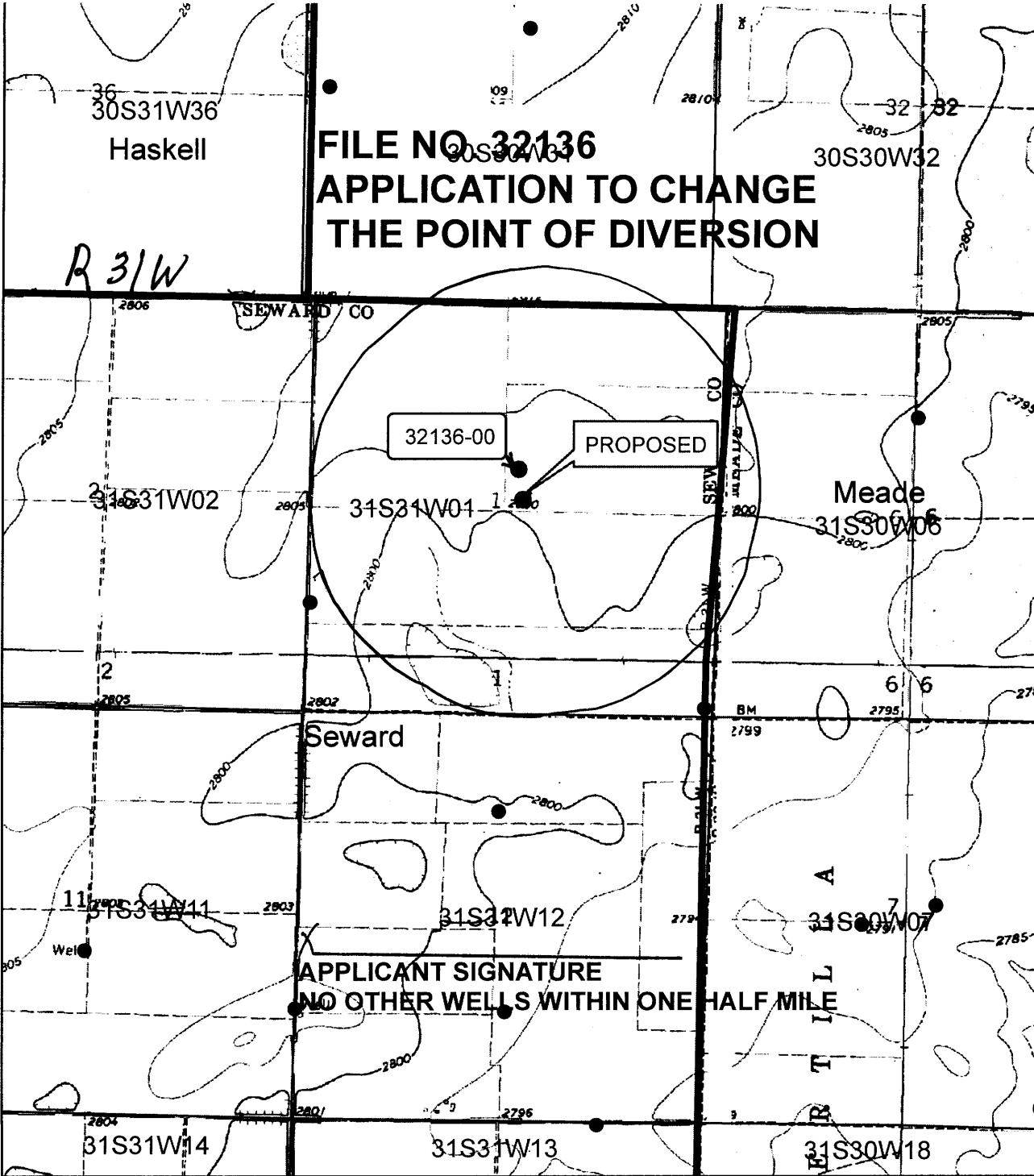
100.65000° W

NAD27 100.63333° W

NATIONAL
GEOGRAPHIC

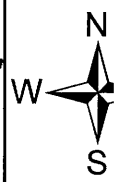


TN 1 MN
5 1/2°
10/04/18



FILE NO. 32136
APPLICATION TO CHANGE
THE POINT OF DIVERSION

R 31W



T 31S

APPLICANT SIGNATURE
 NO OTHER WELLS WITHIN ONE HALF MILE

1 inch = 2,000 feet

32136

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at GARDEN CITY, Kansas, this 9th day of OCTOBER, 2018.

| | | |
|---------------------------------------------------|-------|----------------|
| <u><i>[Signature]</i></u> President (Owner) | _____ | (Spouse) |
| <u>Ryan Stapleton</u> (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |

State of Kansas }
 County of KANSAS } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of Oct, 2018.



Catherine Reinert
Notary Public

My Commission Expires 9-14-22

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: Kansas Department of Agriculture

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 32136.

1. A change application was received on October 10, 2018 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 100 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than ~~300~~ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2018**, or within any authorized extension of time. By March 1, 2019 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Michael A. Meyer
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: October 17, 2018

State of Kansas)

County of Finney) SS

Acknowledged before me on October 17, 2018

by Michael A. Meyer

Signature: Julie Jones
Notary Public JULIE JONES
My Appointment Expires
December 15, 2018

My commission expires:

(Notary Seal)